

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

BOY RACER, INC.,

Plaintiff,

v.

DOES 1-52,

Defendants.

Case No.: 11-CV-2329-PSG

**ORDER TO SHOW CAUSE**

On May 11, 2011, Plaintiff filed the operative complaint. After a series of motions and court orders related to Plaintiff's initial ex parte application for leave to take early discovery, which the court granted-in-part,<sup>1</sup> and follow-up application for leave to take further early discovery, which the court denied,<sup>2</sup> the court denied Plaintiff's motion to certify for appeal its interlocutory order denying further ex parte discovery.<sup>3</sup> There has been no activity on the docket since that order.

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<sup>1</sup> Docket No. 8.


<sup>2</sup> Docket No. 21.

<sup>3</sup> Docket No. 25.

As the 120-day deadline for service has long since passed,<sup>4</sup> the court hereby ORDERS Plaintiff to show cause why the court should not dismiss its claims pursuant to Fed. R. Civ. P. 4. No later than March 23, 2012, Plaintiff shall file a response to the order to show cause. Failure to comply will result in dismissal.

**IT IS SO ORDERED.**

Dated: 3/8/2012

  
PAUL S. GREWAL  
United States Magistrate Judge

United States District Court  
For the Northern District of California

<sup>4</sup> See Fed. R. Civ. P. 4(m) (“If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”).